

REMARKS

In the Final Office Action mailed December 13, 2006, claims 1 and 11 were rejected under 35 U.S.C. 102(e) as being anticipated by Carlton-Foss. At page 2 of the Office Action, the Applicants assume that the Examiner made a mistake by rejected cancelled claim 11 and intended to reject independent claims 1 and 35. The foregoing rejection is respectfully traversed.

Claims 1, 4-10 and 12-33 and 35 are currently pending. Reconsideration is respectfully requested.

None of the claims have been amended herein.

Claim 1 recites "an apparatus, comprising: a sales information registering unit to register sales conditions from a seller, said sales conditions including a specification of goods or services which the seller wants to sell and price information at which the seller wants to sell the goods or services; a sales information search unit to receive offer conditions from a purchaser, said offer conditions including a specification of goods or services which the purchaser wants to purchase and price information at which the purchaser wants to purchase the goods or services, to determine the sales conditions of which specification of goods or services and price information match with the specification of goods or services and price information of the offer conditions, **said sales conditions having been registered in the sales information registering unit before the offer conditions are received**, and to output a search result indicative of the determined sales conditions to a purchasing terminal of the purchaser; and an offer information registering unit to register the offer conditions when the search result indicates that the specification of goods or services and price information of all the sales conditions registered in the sales information registering unit do not match with the specification of goods or services and price information of the offer conditions.

In contrast, as previously mentioned, Carlton-Foss discloses a reverse auction system having a plurality of user interface devices, a network, an auction processor and a database system. The user interface devices are for bidders and requestors to make bids and requests (column 5, lines 31-65). The database system includes a bid database, a request database, and a user database with a registration database. Once requestors have loaded the request database with information about their request, they can indicate that a request summary is ready for display to all potential bidders or to a specified list of bidders (see FIG. 15, for example). The

bidders are able to view their requests and submit proposals or other responses. Requestors are able to view the bids on their requests in order to monitor the progress of the auction and to select zero or more winning proposals (see column 6, lines 10-15). In Carlton-Foss, bidding is performed in response to a request being posted. Carlton-Foss teaches away from the present invention. In Carlton-Foss, a requestor (i.e., purchaser) views multiple bids and determines which bid is acceptable based upon evaluation dimensions identified by the requestor (see column 6, lines 56-62). In Carlton-Foss, the request is not registered when a match does not exist between the request and a bid and/or the requestor submits a notice to cancel the request after viewing the bids. Instead, in Carlton-Foss, the request is stored and posted in advance and bidders are then given an opportunity to bid on the request. Thus, the teaching of Carlton-Foss is fundamentally different from that of the present invention. That is, Carlton-Foss fails to disclose **"sales conditions having been registered ... before the offer conditions are received"** as recited in claim 1, for example.

At page 2, it appears that the Examiner takes Official Notice based upon personal knowledge, that "sales conditions having been registered in the sales information registering unit before the offer conditions are received". Here, the Examiner is implying that Carlton-Foss fails to discuss **"sales conditions having been registered in the sales information registering unit before the offer conditions are received"** as recited in claim 1, for example, however, the Examiner is asserting that this is well known in the art. Therefore, the Applicants respectfully traverse the Examiner's Official Notice and request that the Examiner withdraw it or provide a reference to support this assertion.

Thus, the present invention as recited in claims 1 and 35, for example, patentably distinguish over Carlton-Foss.

Accordingly, it is respectfully submitted that the rejection is overcome.

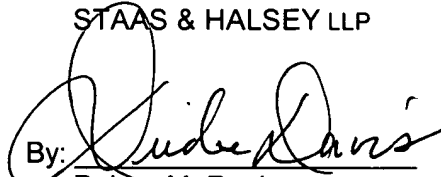
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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